

Pursuant to Fed. R. Civ. P. 4, 12 and 15, Plaintiff, Natural Products Association (“NPA”), and defendants, Food and Drug Administration, Department of Health and Human Services, Xavier Becerra, in his official capacity as Secretary of the Department of Health and Human Services, and Janet Woodcock, M.D., in her official capacity as Acting Commissioner of Food and Drugs (collectively referred to as “Defendants”), by counsel, file this joint motion to set certain deadlines in the case as follows.

- 17745279v1

3. The parties have met and conferred by telephone regarding scheduling issues in the case.

4. The parties have reached an agreement on scheduling and submit this joint motion to the Court for an Order with the following terms:

- a. Defendants need not file an answer or response to the original Complaint by February 14, 2022.
- b. On or before February 21, 2022, NPA will file an unopposed First Amended Complaint in this case.
- c. Defendants' answer or other response will be due within 21 days from the date of service of the First Amended Complaint.

5. Nothing contained in this joint motion will preclude NPA from seeking agreement of the parties or leave of Court to file a further amended complaint.

6. The parties believe that granting the joint motion is in the interest of judicial economy. No party would be unfairly prejudiced.

7. The parties respectfully request that the Court grant the joint motion. A proposed order is attached.

Dated: February 7, 2022

Respectfully submitted,

/s/ Richard J. Oparil

Kevin M. Bell (Bar No. 14382)
Richard J. Oparil (Bar No. 13063)
Micah Kanters (Bar No. 21066)
ARNALL GOLDEN GREGORY LLP
1775 Pennsylvania Ave. NW, Suite 1000
Washington, DC 20006
(202) 677-4030
Richard.oparil@agg.com
Kevin.bell@agg.com

Attorneys for Plaintiff
Natural Products Association

/s/ Noah T. Katzen

Noah T. Katzen
Kimberly R. Stephens
U.S. Department of Justice
450 5th Street NW
Washington, DC 20530
202-305-2428
noah.t.katzen@usdoj.gov
kimberly.r.stephens@usdoj.gov

Attorneys for Defendants